

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PHOENIX JOB
CORPS, NURSING ASSISTANT PROGRAM,
APPROVAL NO. 4130

ISSUED TO:
PHOENIX JOB CORPS
518 S. 3RD STREET, PHOENIX, AZ 85004

RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 200202NA4130**

CONSENT AGREEMENT

A complaint charging Phoenix Job Corps (“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 2000. Respondent’s last program approval was on 1/17/2018.

2. Respondent’s Nursing Assistant (NA) program’s first time student pass rate on the written certifying examination is below the minimum requirement as required in R4-19-801(E). Specifically according to D&S Diversified Technologies, the approved test vendor, Respondent’s annual pass rate for the written in 2018 was 65%. The Arizona State average for the 2018 calendar year was 87% for written 80% for the manual skills exam.

Programs falling below the standard are those with less than 67% on the written exam and 60% on skills. Phoenix Job Corp Nursing Assistant Program tested 23 students in 2018.

3. 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 2019 annual pass rates were 60% for the skills exam and 65% for the written exam. The Arizona State average for the 2019 calendar year was 82% for the manual skills exam and 87% for the written exam. Programs falling below the standard are those with less than 20 points below the State average, which was 62% on the skills exam and 67% on the written exam.

4. On 5/26/2020, Board staff George conducted a site visit and it was noted that there was no admission requirement for english language, reading and math skills necessary to comprehend course materials for the last two years 1/2018 to 1/2020 as required in R4-19-801 (B)(3)(a)(ii).

5. On 5/26/2020, Board staff conducted a site visit and it was noted that on 1/3/2020 an admission requirement was implemented for students to have a minimum of 550 in reading and 550 in Math on the TABE, program failed to follow their own policies by not implementing this new requirement with the cohort that started on 2/24/2020. As required in R4-19-801 (B)(1)(3)(a)(ii) and R4-19-805 (B)(2,4)

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. R4-19-01 (B) (1); (B) (3) (a) (ii); (E) and R4-19-805 (B) (2,4)

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

B. Policies and Procedures

1. A training program shall promulgate and enforce written policies and procedures that comply with state and federal requirements, and are consistent with the policies and procedures of the parent institution, if any. The program shall provide effective and review dates for each policy or procedure.

3. The program shall promulgate and enforce the following policies with accompanying procedures:

a. Admission requirements including:

ii. English language, reading and math skills necessary to comprehend course materials and perform duties safely.

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.

R4-19-805. 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:

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;

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.

Randy Crane

Randy Crane (Oct 20, 2020 12:45 PDT)

Signature or Approved Respondent Representative
Randy Crane, Phoenix Job Corps



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. Standardized tests (submit student test scores 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. All policy revisions, and
- h. Timely notification of any program changes that are or may be in violation of this agreement, and
- i. D&S pass rates, and
- j. Admission test scores for each student admitted into the program, and
- k. Personnel changes, and
- l. Any students that are moved to the evening or weekend class for increased time needed in the program for academic support and mentoring

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 18 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.

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.

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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

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Transmitted this 30th day of September, 2020, via Adobe Sign to:
Randy Crane, Phoenix Job Corps: Crane.Randy@jobcorps.org

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

By: 
[Lyn Ledbetter \(Oct 27, 2020 07:11 PDT\)](#)
Administrative Assistant

Fully Executed copy sent this 27 day of October, 2020, via Adobe Sign to:
Randy Crane, Phoenix Job Corps: Crane.Randy@jobcorps.org



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

Phoenix Job Corps
518 S. 3rd Street
Phoenix, AZ 85004

Sent Via AdobeSign: Randy Crane: Crane.Randy@jobcorps.org

**Re: Phoenix Job Corps Nursing Assistant Program
FINAL Consent Agreement and Order Number 200202NA4130**

Dear Randy Crane:

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
 - Standardized tests (submit student test scores 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
 - All policy revisions, and

- Timely notification of any program changes that are or may be in violation of this agreement, and
- D&S pass rates, and
- Admission test scores for each student admitted into the program, and
- Personnel changes, and
- Any students that are moved to the evening or weekend class for increased time needed in the program for academic support and mentoring

Your first quarterly report is due on 1/30/2021. (30 days after the end of each quarter). The order number needs to be included on all quarterly reports and supporting documents. (Order **200202NA4130**)

Please remember your program is eligible for early termination of this Order. Upon successful completion of the terms of probation or after **18 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, please contact Cindy George at 602-771-7857 or cgeorge@azbn.gov.

Sincerely,

A handwritten signature in cursive that reads "Cindy George RN, BSN".

Cindy George RN, BSN
Education Program Administrator
CG:ll

Cc: Kathy Malloch