

ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF NURSING PROGRAM
ISSUED TO:
ARIZONA CNA TRAINING
F.K.A. CNA ARIZONA
801 S. POWER ROAD
MESA, AZ 85206

RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 170301NA6600**

CONSENT AGREEMENT AND ORDER

A complaint charging Arizona CNA Training, fka CNA Arizona (“Respondent”) with violations 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 Arizona Revised Statutes (“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. On 6/13/2012, Respondent voluntarily surrendered its nursing assistant program, then under the name “CNA Arizona” for violations of the Nurse Practice Act, including not providing students with the minimum hours required for completion, providing false or fraudulent documents to the Board, exceeding CNA training program clinical ratios of 10 students to 1 instructor, utilizing a coordinator not meeting requirements of rule, not providing notice to the Board of new instructors or new clinical sites and allowing students to attend clinical without supervision.

2. On 7/6/2016, Respondent applied for re-instatement of its nursing assistant program under a new name, "Arizona CNA Training" The process to come into compliance for completion took from 7/6/2016 to 2/21/2017, due to missing supplies, mannequins, running water, time to change suites and paperwork. Respondent did cooperate with all aspects of the application process.
3. Respondent's owner, Ned Opfel, has not submitted proof of completion of an ethics course, despite Board staff having provided him with applicable information, despite his history of submitting false/fraudulent documents and information to the Board in the prior action against CNA Arizona.
4. Respondent provided other statements and documents, such as attendance forms, related to its reinstatement application requirement to submit "substantial evidence" that the basis for revocation or voluntary surrender no longer exists and that reissuance of program approval is in the best interest of the public. Respondent also provided statements of change to enable success of the program upon re-instatement.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606 (B), 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. § 32-1601(24) (j) (effective September 30, 2009); and Arizona Administrative Code ("A.A.C.") R4-805(E) (3), (effective February 4, 2000). The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(O) to

revoke, suspend or take other disciplinary action against Respondent's nursing assistant program approval.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions on any future disciplinary 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.

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 the right to consult legal counsel prior to entering into the Order and such consultation has either been obtained or is waived.

Respondent understands that the term "Order" used throughout this document refers to all pages of the Order including Findings of Fact, Conclusions of Law and all terms and conditions and paragraphs of the Order.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board or its designee 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 Respondent and accepted by the Board or its designee.

Board Date: March 24, 2017

Red [Signature]
Respondent

Dated: 6/21/2017

SEAL

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

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director
ARIZONA STATE BOARD OF NURSING

Acceptance Date: 6-26-2017

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 are accepted.

B. Respondent's Nursing Assistant Program is hereby **revoked**; however, the **revocation is stayed** for at minimum of twenty four (24) months contingent upon Respondent's compliance with this Order. During the stay of the revocation, Respondent's program approval is placed on probation for at minimum twenty-four months with terms and conditions. Prior to termination of the stayed revocation, Respondent shall operate its Nursing Assistant Program for a minimum of twenty four (24) months.

C. If Respondent is non-compliant with any of the terms of the Order during the twenty four (24) months stayed revocation period, the stay of the revocation shall be lifted and Respondent's approval shall be automatically revoked for a minimum period of two (2) years.

Respondent waives any and all rights to any further review, hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

D. This Order becomes effective upon the Board's and Respondent's acceptance of the Order. The effective date is the date the Order is signed by Respondent and accepted by the Board or its designee. If the Order is signed on different dates, the later date is the effective date.

E. At any time Respondent is required by terms of the Order to provide a copy of the Order to another individual or facility the Respondent must provide all pages of the Order.

F. Respondent is subject to the following terms and conditions:

TERMS OF STAYED REVOCATION

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. Evaluations

Respondent shall provide to the Board results of confidential and anonymous student evaluations of nursing assistant courses, instructors, clinical experience and the overall program for each course taught with each quarterly report.

3. Remedial Education

A. Within 30 days of the effective date of the consent agreement, Respondent and all current Respondent staff shall attend three hours of live on-ground remedial education, on each of the following topics:

1. Education regarding Article 8 of the Nurse Practice Act

2. Student centered teaching for classroom and clinical content
 3. Education on development and implementation of a program evaluation plan including frequency of evaluation, the person responsible, the evaluative criteria, the results of the evaluation and actions taken to improve the program to be attended by the Coordinator, and all instructors and Administrator.
 4. Respondent shall maintain faculty ratios in didactic classes of 1 instructor to 20 students.
- B. Respondent shall ensure that all newly hired clinical, lab and didactic Nursing Assistant Instructors receive 24 hours of continuing education before teaching duties commence as specified above except that after the initial education within 30 days of the effective date, subsequent education may be delivered by distance, on-line, video or electronic means.
4. 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) Curriculum changes
- b) Graduation
- c) Personnel changes
- d) Clinical placements
- e) Admissions
- f) Attrition
- g) 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 the resolution.

The first report is due on the first assigned quarterly report due date after the effective date of the Order.

5. Monitoring Site Visits:

During the period of probation, and consistent with A.A.C. Rule 4-19-801(B) (8), Board staff shall, at its sole discretion, and with or without advanced notice, perform site visits to ensure compliance with this Order and Nurse Practice Act requirements.

6. Notification of Class Start Dates and Student Enrollment

Respondent shall notify Board Staff when a new cohort is started and the number of students enrolled within 10 days of the start date of the class.

7. Interview with the Board or Its Designee

Respondent's administrator shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

8. 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.

9. 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

10. Costs

Respondent shall bear all costs of complying with this Order.

11. Violation of Stayed Revocation

During the term of this Order, if Respondent is non-compliant with the terms of the Order in any way, as determined by the Board or its designee, the stay of revocation shall be lifted and Respondent's certificate shall be automatically revoked. If a complaint is filed against Respondent during the stayed revocation, the Board shall have continuing jurisdiction until the matter is final, and the period of stayed revocation shall be extended until the matter is final.

12. Completion of Order

Respondent is not eligible for early termination of this Order. Following successful completion of the twenty four (24) months stayed revocation, Respondent shall make a request, in writing, to the Board for review of the terms of revocation and to determine the status of Respondent's nursing assistant program approval.

Board Date: March 24, 2017

SEAL



Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director
ARIZONA STATE BOARD OF NURSING

Acceptance Date: 6-26-2017

JR/ll:

COPY mailed this 26 day of June, 2017, by First Class Mail and email to:
Arizona CNA Training
801 S. Power Rd
Mesa, AZ 85206
Email: njopfel@yahoo.com

Signed in the Board office this 26 day of June, 2017.

By: Lyn Ledbetter
Legal Secretary