

**ARIZONA STATE BOARD OF NURSING
4747 N. 7TH STREET, SUITE 200
PHOENIX ARIZONA 85014-3655
602 771-7800**

IN THE MATTER OF NURSING ASSISTANT
PROGRAM APPROVAL #8995

ISSUED TO:

DESERT WINDS TRAINING INSTITUTE,

RESPONDENT

CONSENT AGREEMENT FOR

VOLUNTARY SURRENDER

ORDER NO. 151101CNA8995

A complaint charging Desert Winds Training Institute (“Respondent”), located in Phoenix, Arizona, by and through its owner/operator Sharon Gaters, 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 A.R.S. Section 32-1605.01(D), Respondent voluntarily surrenders its program approval for a minimum of one year.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On 11/23/2015, Board staff received a written complaint from a former student of Respondent’s alleging that Respondent promised to assist with job placement, but when the student attempted to reach Respondent owner/operator Sharon Gaters for assistance in job placement, Gaters did not respond to her calls. In addition, the student alleges Respondent did not supply textbooks for the cohort attending in May, 2015, until the third week of the course, and Respondent failed to provide students (from the May,

2015, cohort) with a complete uniform including name tag prior to the first day of clinical. Based upon this information, the Board initiated an investigation. During the investigation, Board staff received other student complaints and discovered additional violations.

2. Between 12/2014 and 12/14/2015 Respondent accepted tuition from students and began classes without providing required or qualified program personnel, including a program coordinator, and, at times, an instructor, a violation of R4-19-801 (A) (1) and R4-19-805 (B) (1, 2, and 6). Additionally Respondent failed to provide make-up classes for sessions held without a qualified instructor, a violation R4-19-805 (B) (15).

3. Respondent failed to provide a qualified registered nurse instructor for classroom instruction, on 9/8/2015 and 11/10/2015 – 11/20/2015. In addition, Respondent failed to offer students in the cohort beginning on 11/10/2015 with a refund of all tuition and fees when a qualified instructor was not provided for more than 5 business days, a violation of R4-19-801 (C) (9), R4-19-801 (A) (2), R4-19-802 (C) (1), and R4-19-805 (B) (1, 2, 6, 7, and 12).

4. Respondent failed to provide a qualified instructor on 9/8/2015 and 11/10/2015-11/20/2015 who planned each learning experience, ensured curriculum requirements were met, or prepared lesson objectives and class content, a violation of R4-19-801 (C) (8) (a, b, and c), R4-19-802 (C) (1), and R4-19-805 (B) (1, 2, 4, 5, 6, and 7)

5. Respondent's instructors failed to require satisfactory student performance of all critical elements of each skill under R4-19-802 (H) before allowing

the students to provide patient care, as evidenced by no skills check off lists present in the student files for six students in the cohort with a start date of 9/8/2015, and no skills check off list, or any file, for any students in the cohorts with start dates of 5/5/2015 and 11/10/2015, a violation of R4-19-801 (C) (8) (e), R4-19-802 (H), and R4-19-805 (B) (2, 4, and 14)

6. Respondent failed to provide all students in the cohorts with a start date of 5/5/2015, 9/8/2015, and two students in the cohort with a start date of 11/10/2015, with educational resources, including textbooks, in a timely manner, a violation of R4-19-801(C)(6), and R4-19-805 (B) (1, 2, and 4)

7. Respondent failed to provide students, and Board staff during a site visit on 12/11/2015, with a course schedule containing the date, time and topic for each class session, a violation of R4-19-801 (C) (4), R4-19-801 (B) (1), R4-19-801 (D) (1) and R4-19-805 (B) (1, 2, and 4)

8. On 12/8/15, during a visit to Respondent's students at their clinical location, Desert Terrace, located in Phoenix, AZ, Board Staff observed that two of Respondent's enrolled students failed to wear a name badge that appropriately identified the students, and instead used a piece of tape with their name (see below). In addition, multiple students and the instructor who taught the May, 2015 cohort reported that Respondent failed to supply student name badges. Instead, students were provided with a piece of tape and instructed to write their name on the piece of tape and adhere it to their uniform. For all affected cohorts, the tape did not identify the students as being students, nor did it identify Respondent as the training program. R4-19-801 (C) (1) requires that during clinical training sessions, a training program ensure that each

student is identified as a student by a name badge or another means readily observable to staff, patients, and residents. A violation of R4-19- 801 (C) (1), R4-18-801 (B) (1) and R4-19-805 (B) (1, 2, and 4)

9. On 11/12/15 during a site visit by Board Staff, Respondent failed to produce any student records for the cohorts with start dates of 5/5/2015 and 11/10/2015. In addition, Respondent failed to produce all required elements of the student records for the cohort with a start date of 9/8/2015, as records did not contain social security numbers, accurate attendance records, retake exam information, or completed skills checklists. Violations of R4-19-801 (D) (2) and R4-19-805 (B) (1, 2, and 5)

10. Respondent failed to report accurate and complete student enrollment information within 14 days to the Board-approved test vendor for the cohort with a start date of 11/10/2015, a violation of R4-19-801 (A) (7) and R4-19-805 (B) (1 and 2)

11. On 12/11/15, during a site visit by Board Staff, Respondent failed to produce student evaluations of the program for any students or cohorts enrolled during the 2015 calendar year. Failure to provide students with an opportunity to anonymously and confidentially evaluate the program, and failure to maintain the evaluations as part of the evaluation plan is a violation of R4-19-801 (A) (9), (10) and (D)(1) (c) and R4-19-805 (B) (1 and 2).

12. Respondent failed to submit written documentation and information to the Board regarding instructor qualifications and changes in instructors and coordinators within 30 days of instituting the changes as evidenced by Respondent's failure to notify the Board of the 2014 program coordinator's resignation and failure to report the addition of instructor Tawana Burts as an instructor for the cohort starting on 5/5/2015;

and Nancy Kornfield as the instructor for students in the cohort starting 9/8/2015, a violation of R4-19-801 (A) (11) (a), and R4-19-802 (C) (1)

13. Respondent failed to follow its own policy regarding criminal background checks and drug screenings prior to admission for students enrolled during the 2015 calendar year. Respondent did not provide any records to show that it conducted criminal background checks or drug screenings prior to admitting students for any of the 2015 cohorts. In addition, the program failed to follow its own policy and provide cardio-pulmonary resuscitation (CPR) certification during class time. Violations of R4-19-801 (B) (1) and (3) (a) and R4-19-805 (B) (1, 2, 4, 5, and 9)

14. During a Board staff site visit on 12/11/2015, Respondent failed to provide accurate attendance records for any cohorts attending during the 2015 calendar year and failed to demonstrate that any of the 2015 students received the hours and types of instruction required by R4-19-802 (D) and advertised in Respondent's handbook, a violation of R4-19-801 (B) (3) (b), R4-19-801 (D) (1), R4-19-802 (D) (1) and R4-19-805 (B) (1, 2, and 5)

15. During a site visit on 12/8/2015 by Board staff to Respondent's contracted clinical facility, Desert Terrace, located in Phoenix, Arizona, Board staff found 11 students providing patient care under the supervision of one RN instructor, which exceeds the maximum 10 to 1 student to teacher ratio under R4-19-801 (B) (3) (b) and is also a violation of R4-19-802 (C) (2) and R4-19-805 (B) (1, 2, 5, 6, 11 and 14). Additionally, none of these students had demonstrated competency in required skills before providing patient care, had criminal background checks done, health tests, nor were they certified by Respondent in CPR and first aid, which is a violation of

Respondent's own policies. Respondent's conduct placed both students and patients at risk of harm and constitutes a violation of R4-19-805(B)(1), (2), (4) (12), (14).

16. On 11/10/2015, Board staff asserts that Respondent's Owner/Operator, Sharon Gaters, provided inaccurate information to Board staff when she informed staff in a telephone conversation that Respondent was not currently holding classes because the Respondent did not have a coordinator. It is undisputed that Respondent started a cohort that same day, on 11/10/2015, despite not having a coordinator or a qualified instructor, a violation of R4-19-805 (B) (10). However, Ms. Gaters asserts that she does not recall having this conversation with Board staff, or providing inaccurate information regarding the 11/10/2015 cohort beginning classes that day.

17. Respondent failed to follow student record maintenance policies as outlined in Respondent's Certified Nursing Assistant Handbook (Revised November 29, 2013), as evidenced by Respondent's failure to produce any student records during a Board Staff site visit on 12/11/15 for cohorts starting on 5/5/2015 and 11/10/2015, a violation of R4-19-801 (B) (3) (c) and (d) and R4-19-805 (B) (2, 4, and 12)

18. Respondent failed to provide a clean, comfortable, distraction-free learning environment for didactic teaching and skills practice to the cohort starting 9/8/2015, as evidenced by witness reports and Respondent's admission that there was no air-conditioning in the classroom and skill lab area for 2-3 weeks and witness reports of an unclean conference area, which was being used for classroom teaching, and repeated interruptions in the classroom by a person claiming to be the landlord in search of program owner/operator Sharon Gaters regarding rent payments, a violation of R4-19-801 (C) (3) and R4-19-805 (B) (2, and 6).

19. Respondent has never provided the Board with information or documentation to establish that Respondent holds a required surety bond from a surety company in the minimum amount to \$15,000, a violation of R4-19-802 (A) (2) (a) and R4-19-805 (B) (2, and 12)

CONCLUSIONS OF LAW

Pursuant to A.R.S. Sections 32-1601(18)(d)(h)(j), 32-1606, 32-1644, 32-1663, 32-1664 and 32-1667, the Board has subject matter and personal jurisdiction in this matter. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. Section 32-1663(D) as defined in Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

In addition to the violations listed above, the conduct and circumstances alleged in the Factual Allegations constitute violations of A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601 (22) (d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); (g) Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter); (h) Committing an act that deceives, defrauds or harms the public); and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter, specifically:

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

A. Program Administrative Responsibilities

1. Any person or entity offering a training program under this Article shall, before accepting tuition from prospective students, and at all times thereafter, provide program personnel including a coordinator and instructors, as applicable, who meet the requirements of this Article.
2. If at any time, a person or entity offering a training program cannot provide a qualified instructor for its students, it shall immediately cease instruction and, if the training program cannot provide a qualified instructor within 5 business days,

- the training program shall offer all enrolled students a refund of all tuition and fees the students have paid to the program
7. Within the first 14 days of the program and before 50% of program instruction occurs, a training program shall transmit to the Board-approved test vendor, accurate and complete information regarding each enrolled student for the purposes of tracking program enrollment, attrition and completion. Upon receipt of accurate completion information, the vendor shall issue a certificate of completion to the program for each successful graduate.
 8. A training program shall provide the Board, or its designee, access to all training program records, students and staff at any time, including during an announced or unannounced visit. A program's refusal to provide such access is grounds for withdrawal of Board approval
 9. A training program shall provide each student with an opportunity to anonymously and confidentially evaluate the course instructor, curriculum, classroom environment, clinical instructor, clinical setting, textbook and resources of the program;
 10. A training program shall provide and implement a plan to evaluate the program that includes the frequency of evaluation, the person responsible, the evaluative criteria, the results of the evaluation and the actions taken to improve the program. The program shall evaluate the following elements at a minimum every two years:
 - a. Student evaluations consistent with subsection (A)(9);
 - b. First-time pass rates on the written and manual skills certification exams for each admission cohort;
 - c. Student attrition rates for each admission cohort;
 - d. For a change in the name or ownership of the training program, the former name or owners and the new name or owners; and
 - e. For a decrease in hours of the program, a written revised curriculum document that clearly highlights new content, strikes out deleted content and includes revised hours of instruction, as applicable.
 11. A training program shall submit written documentation and information to the Board regarding the following program changes within 30 days of instituting the change:
 - a. For a change or addition of an instructor or coordinator, the name, RN license number, and documentation that the coordinator or instructor meets the applicable requirements of R4-19-802 (B) and (C) for CNA programs and R4-19-803 (B) for CMA 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.
2. A training program shall provide a copy of its policies and procedures to each student on or before the first day the student begins the program.

3. The program shall promulgate and enforce the following policies with accompanying procedures:
 - a. Admission requirements including:
 - i. Criminal background, health and drug screening either required by the program or necessary to place a student in a clinical agency; and
 - ii. English language, reading and math skills necessary to comprehend course materials and perform duties safely.
 - b. Student attendance policy, ensuring that a student receives the hours and types of instruction as reported to the Board in the program's most recent application to the Board and as required in this Article. If absences are permitted, the program shall ensure that each absence is remediated by providing and requiring the student to complete learning activities that are equivalent to the missed curriculum topics, clinical experience or skill both in substance and in classroom or clinical time.
 - c. A final examination policy that includes the following provisions;
 - i. Require that its students score a minimum 75% correct answers on a comprehensive secure final examination with no more than one re-take. The program may allow an additional re-take following documented, focused remediation based on past test performance. Any re-take examination must contain different items than the failed exam, address all course competencies, and be documented with score, date administered and proctor in the student record; and
 - ii. Require that each student demonstrate, to program faculty, satisfactory performance of each practical skill as prescribed in the curriculum before performance of that skill on patients or residents without the instructor's presence, direct observation, and supervision.;
 - d. Student record maintenance policies consistent with subsection (D) including the retention period, the location of records and the procedure for students to access to their records.
 - e. Clinical supervision policies consistent with clinical supervision provisions of this Section, and:
 - i. R4-19-802 (C) and (D) for CNA programs, or
 - ii. R4-19-803 (B) and (C) for CMA programs;
- C. Classroom and clinical instruction
1. During clinical training sessions, a training program shall ensure that each student is identified as a student by a name badge or another means readily observable to staff, patients, and residents.
 3. A training program shall provide a clean, comfortable, distraction-free learning environment for didactic teaching and skill practice.
 4. A training program shall provide, in either electronic or paper format, a written curriculum to each student on or before the first day of class that includes a course description, course hours including times of instruction and total course hours, instructor information, passing requirements, course goals, and a topical schedule containing date, time and topic for each class session.
 6. A training program shall utilize an electronic or paper textbook corresponding to the certification level of the course that has been published within the previous

- five years. Unless granted specific permission by the publisher, a training program shall not utilize copies of published materials in lieu of an actual textbook.
8. A training program instructor shall:
 - a. Plan each learning experience;
 - b. Ensure that the curriculum meets the requirements of this Section;
 - c. Prepare written course goals, lesson objectives, class content and learning activities;
 - d. Schedule and achieve course goals and objectives by the end of the course; and
 - e. Require satisfactory performance of all critical elements of each skill under R4-19-802 (H) for nursing assistant and R4-19- 803(D)(4) for medication assistant before allowing a student to perform the skill on a patient or resident without the instructor's presence at the bedside.
 9. A qualified RN instructor shall be present at all times and during all scheduled classroom, skills laboratory and clinical sessions. In no instance shall a nursing assistant or other unqualified person provide any instruction, reinforcement, evaluation or independent activities in the classroom or skills laboratory.

D. Records

1. A training program shall maintain the following program records either electronically or in paper form for a minimum of three years for CNA programs and five years for CMA programs:
 - a. Curriculum and course schedule for each admission cohort;
 - c. Documentation of program evaluation under subsection (A)(10);
2. A training program shall maintain the following student records either electronically or in paper form for a minimum of three years for CNA programs and five years for CMA programs:
 - a. A record of each student's legal name, date of birth, address, telephone number, e-mail address and Social Security number, if available;
 - 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;
 - c. An accurate attendance record, which describes any make-up class sessions and reflects whether the student completed the required number of hours in the course; and
 - d. Scores for each test, quiz, or exam and whether such test, quiz, or exam was retaken.

R4-19-802. CNA Program Requirements

A. Organization and Administration

2. If a nursing assistant program is offered by a private business, the program shall meet the following requirements.

- a. Hold a surety bond from a surety company with a financial strength rating of “A-” or better by Best’s Credit Ratings, Moody’s Investors Service, Standard and Poor’s rating service or another comparable rating service as determined by the Board in the amount of a minimum of \$15,000. The program shall ensure that:
 - i. Bond distributions are limited to students or former students with a valid claim for instructional or program deficiencies;
 - ii. The amount of the bond is sufficient to reimburse the full amount of collected tuition and fees for all students during all enrollment periods of the program; and
 - iii. The bond is maintained for an additional 24 months after program closure; and
3. Programs approved by the Board before the effective date of this Section shall comply with subsection (A)(2) within one year of the effective date. If a program does not charge tuition or fees, the bond requirement is waived.

B. Program coordinator qualifications and responsibilities

1. Program coordinator qualifications include:
 - a. Holding a current, registered nurse license that is active and in good standing or multistate privilege to practice as an RN under A.R.S. Title 32, Chapter 15; and
 - b. Possessing at least two years of nursing experience at least one year of which is in the provision of long-term care facility services.
2. A director of nursing in a health care facility may assume the role of a program coordinator for a nursing assistant training program that is housed in the facility but shall not function as a program instructor.
3. A program coordinator’s responsibilities include:
 - a. Supervising and evaluating the program;
 - 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;
 - c. Ensuring that the program meets the requirements of this Article; and
 - d. Ensuring that the program meets federal requirements regarding clinical facilities under 42 CFR 483.151.
4. Other than the director of nursing in a long-term care facility, a program coordinator may also serve as a program instructor.

C. Program instructor qualifications and duties

1. Program instructor qualifications include:
 - a. Holding a current, registered nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15 and provide documentation of a minimum of one year full time or 1500 hours employment providing direct care as a registered nurse in any setting; and
 - b. At a minimum, one of the following:

- i. Successful completion of a three semester credit course on adult teaching and learning concepts offered by an accredited post-secondary educational institution,
 - ii. Completion of a 40 hour continuing education program in adult teaching and learning concepts that was awarded continuing education credit by an accredited organization,
 - iii. One year of full-time or 1500 hours experience teaching adults as a faculty member or clinical educator, or
 - iv. One year of full time or 1500 hours experience supervising nursing assistants, either in addition to or concurrent with the one year of experience required in subsection (C)(1)(a).
 - 2. In addition to the program instruction requirements in R4-19-801(C), a nursing assistant program instructor shall provide on-site supervision for each student placed in a health care facility not to exceed 10 students per instructor;
- 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:
 - a. Instructor-led teaching in a classroom setting for a minimum of 40 hours;
 - b. Instructor-supervised skills practice and testing in a laboratory setting for a minimum of 20 hours; and
 - c. Instructor-supervised clinical experiences for a minimum of 40 hours, consistent with the goals of the program. Clinical requirements include the following:
 - i. The program shall provide students with clinical orientation to any clinical setting utilized.
 - 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.
 - d. To meet the 120 hour minimum program hour requirement, a CNA program shall designate an additional 20 hours to classroom, skill or clinical instruction based upon the educational needs of the program's students and program resources.
- H. Skills: A nursing assistant instructor shall verify and document that the following skills are satisfactorily performed by each student before allowing the student to perform the skill on a patient or resident without the instructor present:
 - 1. Hand hygiene, gloving and gowning; and
 - 2. Skills in subsection (F)(7), (8) and (11)(a), (c), (d), (f), and (g).

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;
5. Failing to provide the classroom, laboratory or clinical teaching hours required by this Article or described in the program description;
6. Enrolling students in a program without adequate faculty, facilities, or clinical experiences, as required by this Article;
7. Permitting unqualified persons to supervise teaching-learning experiences in any portion of the program;
8. Failing to comply with Board requirements within designated timeframes;
9. Engaging in fraud, misrepresentation or deceit in advertising, recruiting, promoting or implementing the program;
10. Making a false, inaccurate or misleading statement to the Board or the Board's designee in the course of an investigation, or on any application or information submitted to the Board or on the program's public website;
11. Failing to supervise students in the clinical setting in accordance with this Article or allowing more than the maximum students per clinical instructor prescribed in this Article;
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;
15. Failing to promptly provide make-up classroom, laboratory, or clinical hours, with adequate notice to students, equivalent educational content, and reasonable scheduling, when shortages of hours were caused by the program or program instructors;

Respondent admits the Board's Conclusions of Law and Findings of Fact 1-15

and 17-19. Although Respondent does not admit to the allegations in Finding of Fact 16, the Board finds that the violation did occur, and Respondent understands that the Board is making this finding.

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 the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or 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 Executive Director's or the Board's approval or by stipulation between Respondent and the Executive Director or the Board.

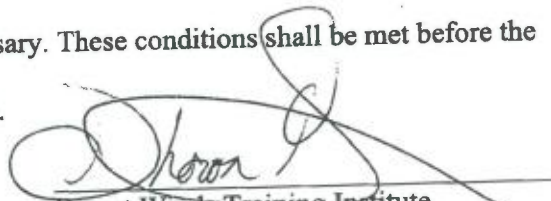
Representatives of Respondent understand that this action is against the training program and does not affect any complaint against the individual nursing licenses of owners, instructors or coordinators.

The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on different dates, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that re-issuance cannot be applied for during the period of Voluntary Surrender.

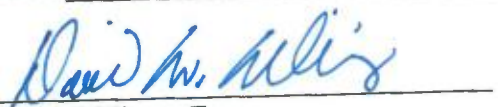
Respondent agrees that re-issuance may be applied for after the period of Voluntary Surrender under the following conditions, and must comply with current law at the time of application for re-issuance:

The application for re-issuance must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the Voluntary Surrender has been removed and that the re-issuance of the approval does not constitute a threat to the public's health, safety and welfare. The Board may require any reports and/or affidavits regarding Respondent as it deems necessary. These conditions shall be met before the application for re-issuance is considered.



Desert Winds Training Institute,
Respondent, by and through
its Administrator, Sharon Gaters

Dated: December 20th, 2015



David Williams, Esq.
Attorney for Desert Winds Training Institute
(Reviewed as to Form)

Dated: 12-21-15

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

SEAL

Dated: 12/22/2015

ORDER

Pursuant to A.R.S. Section 32-1605.01(D) the Board hereby accepts the Voluntary Surrender of Certificate of Approval of Nursing Assistant Training Program No. 8955, issued to Desert Winds Training Institute. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement.

IT IS ORDERED that Respondent shall refund all tuition paid by two private pay students in the 11/10/2015 cohort, students L.C. and R.C., and provide proof of these refunds to the Board, within 30 days of the effective date of this Order.

IT IS FURTHER ORDERED that Respondent may not apply for re-issuance of its Certificate of Approval for a minimum period of one year, and that Sharon Gaters may not own or operate a Nursing Assistant Training Program in the State of Arizona during this period.

ARIZONA STATE BOARD OF NURSING

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

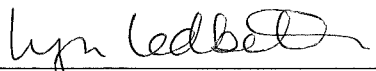
Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Seal

Dated: 12/22/2015

COPY mailed this 23 day of December, ~~2012~~²⁰¹⁵ by First Class Mail to:

David Williams, Esq.
Davis Miles McGuire Gardner, PLLC
80 E Rio Salado Pkwy #401
Tempe, AZ 85281
Attorney for Respondent

By: 
Lyn Ledbetter
Administrative Assistant