

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF EAST VALLEY
INSTITUTE OF TECHNOLOGY,
PRACTICAL NURSING PROGRAM
APPROVAL NO. US96103000

ISSUED TO:
EAST VALLEY INSTITUTE OF
TECHNOLOGY, PRACTICAL NURSING
PROGRAM
1601 W. MAIN STREET MESA, AZ 85201

RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 200205PN96103000**

CONSENT AGREEMENT

A complaint charging East Valley Institute Of Technology Practical Nursing 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 practical nursing program, operating in Mesa, Arizona, receiving its original approval in 2010. Respondent’s last program approval was on 11/1/2019.

2. Respondent's PN Program NCLEX-PN First-Time Pass Rate for 2019 NCLEX-PN was 68.29% and did not meet the 80% pass rate required by Arizona Administrative Code (AAC) Rule 4-19-206. For the last three years, Respondent has had a pattern of not meeting the 80% pass rate required. R4-19-206(G)

3. Respondent used HESI admission criteria of a combined 70% for admission to the PN program. The standard of practice is for HESI admission scores to be a minimum of 75% for English and 75% mathematics for a total of 150%. Failure to meet these standards negatively impacts the potential for student success. R4-19-205(B) and R4-19-211(A)(1)

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. R4-19-205(B); R4-19-206(G) and R4-19-211(A)(1).

A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601(26)(d) and (j) (effective August 9, 2017)

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.

R4-19-205 (B) A nursing program shall implement written student admission and progression requirements that are evidence-based, allow for a variety of clinical experiences and satisfy the licensure criteria of ARS Title 32, chapter 15 and AAC Title 4, chapter 19.

R4-19-206 (G) A nursing Program shall maintain at least an 80% NCLEX® passing rate for graduates taking the NCLEX®-PN or NCLEX®-RN for the first time within 12 months of graduation.

R4-19-211. Unprofessional Conduct in a Nursing Program; Reinstatement or Reissuance

A. A disciplinary action, or denial of approval, may be issued against a nursing, refresher, pilot, or distance learning program for any of the following acts of unprofessional conduct:

1. A pattern of failure to maintain minimum standards of acceptable and prevailing educational or nursing practice, or any such failure related to student or patient health, welfare, or safety;

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.



Barbara Koerber (Feb 4, 2021 13:50 MST)

Signature or Approved Respondent Representative
Barbara Koerber, East Valley Institute Of
Technology Practical Nursing Program

ARIZONA STATE BOARD OF NURSING



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

Dated: 2/4/2021

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. HESI admissions scores for each student,
- b. Attrition,
- c. Standardized tests (submit student test scores for each cohort),
- d. NCLEX scores
- e. Curriculum changes,
- 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,
- g. Monthly nursing department meeting minutes,
- h. Nursing faculty satisfaction surveys every 6 months with an approved survey,
- i. Personnel changes,
- j. All policy revisions,
- k. Program changes
- l. Results of confidential and anonymous student evaluations of nursing courses, instructors, and the overall program,
- m. Status of all recommendations from external consultant employed by EVIT, that were submitted along with quarterly reports

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 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.

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.



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: 2/4/2021

JR/CG:ll

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Transmitted for Respondents signature this 4th day of February, 2021, via Adobe Sign to:
Barbara Koerber of East Valley Institute Of Technology Practical Nursing Program:
bkoerber@evit.com

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Fully Executed copy sent this **17** day of **February**, 2021, via Adobe Sign to:
Barbara Koerber of East Valley Institute Of Technology Practical Nursing Program:
bkoerber@evit.com

Signed in the Board Office on **February, 17**, 2021.
By: Lyn Ledbetter
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>

February 17, 2021

Barbara Koerber
East Valley Institute of Technology
Sent Via Secure Email: bkoerber@evit.com

Re: FINAL Consent Agreement and Order Number 200205PN96103000

Dear Barbara Koerber:

Please see the enclosed duly signed Consent Agreement for Probation. The effective date of this order is February 4, 2021. 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:
 - A. HESI admissions scores for each student
 - B. Attrition
 - C. Standardized tests (submit student test scores for each cohort)
 - D. NCLEX scores
 - E. Curriculum changes
 - F. Grievances/complaints-Anywrittenorverbalcomplaintsorconcernsregarding the nursing program brought to the attention of the nursing program administrator and their resolution including informal complaints and comments on evaluations
 - G. Monthly nursing department meeting minutes
 - H. Nursing faculty satisfaction surveys every 6 months with an approved survey
 - I. Personnel changes
 - J. All policy revisions
 - K. Program changes
 - L. Results of confidential and anonymous student evaluations of nursing courses, instructors, and the overall program

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

M. Status of all recommendations from external consultant employed by EVIT, that were submitted along with quarterly reports
Your first quarterly report is due on 4/30/2021. (30 days after the end of each quarter). The order number needs to be included on all quarterly reports and supporting documents. (Order **200205PN96103000**)

Upon successful completion of the terms of probation or after *24 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 me at 602-771-7857 or cgeorge@azbn.gov

Sincerely,

Cindy George, RN, BSN
Education Program Administrator