

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
ADVANCED PRACTICE NURSING
PROGRAM

Liberty University School of Nursing
1971 University Blvd.
Lynchburg, VA 24515

APPLICANT

**DECREE OF CENSURE WITH
CIVIL PENALTY**

**CONSENT AGREEMENT
AND
ORDER NO. 201201APDL0046**

The Arizona State Board of Nursing (“Board”) received allegations that Liberty University (“Applicant”) violated the Nurse Practice Act. 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. Liberty University School of Nursing (“Liberty”) admitted 20 Arizona students in its APRN programs starting in Summer of 2020 prior to Board approval. 4 of the 20 students commenced clinicals in Autumn 2020 prior to approval or contact with AZBN, which is a violation of R4-19-503.
2. After Board staff’s 12.8.2020 notification to Liberty of a concern regarding the program’s lack of approval in Arizona, additional contacts, and Board staff’s 12.23.2020 email to the Liberty University School of Nursing Dean and Director of Financial

Aid-Compliance and Processing asking them to cease and desist marketing and recruiting, Board staff received a total of 24 marketing contacts, including emails, phone calls, mailed media, between 12.17.2020 and 02.18.2021 for the Liberty University programs including the unapproved APRN programs.

3. Liberty submitted an application to the Board for approval of its APRN programs on 1.7.2021 and was presented to the Board as a companion document at its March Board meeting.
4. The Board voted: Based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all approval requirements, signing a Consent Agreement for a Decree of Censure and a \$4,000 Civil Penalty, and paying the civil penalty, grant full approval of the following programs for Liberty University: Family Nurse Practitioner BSN-DNP, Psych Mental Health Nurse Practitioner Post-Masters Certificate, Psych Mental Health Nurse Practitioner Post MS-DNP and Psych Mental Health Nurse Practitioner Post-BSN DNP programs. If not signed within 30 days and civil penalty paid within 60 days, deny approval.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1644, 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 and currently cited as § 32-1601 (26) “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 a rule that is adopted by the Board pursuant to this chapter. (effective August 9, 2017); **A.R.S. § 32-1666. Unlawful acts -**

(B) It is unlawful for a person to operate a training or educational program to prepare students for licensure or certification under this chapter unless it has been approved under this chapter;
Arizona Administrative Code

R4-19-502 Requirements for APRN Programs:

(A) An educational institution or other entity that offers an APRN program in this state for RNP or CNS roles shall ensure that the program: 5. Offers a curriculum that covers the scope of practice for both the role of advanced practice as specified in A.R.S. 32-1601 and the population focus including: (a) Three separate graduate level courses in: (i) Advanced physiology and pathophysiology, including general principles across the lifespan; ii) Advanced health assessment, which includes assessment of all human systems advance assessment techniques, concepts and approaches; iii) Advanced pharmacology, which includes pharmacodynamics, pharmacokinetics and pharmacotherapeutics of all broad category agents)

(B) A CNS or RNP program shall appoint the following personnel) (3) Nursing faculty to teach any APRN course that includes a clinical learning experience who have the following qualifications (a) A current unencumbered RN license or multi-state privilege to practice registered nursing in Arizona; (b) A current unencumbered Arizona APRN certificate; (d) Two years of APRN clinical experience and (B)(4) Adjunct or part-time clinical faculty employed solely to supervise clinical nursing experiences shall meet all of the faculty qualifications for the APRN program they are teaching.

R4-19-503 Application for Approval of an Advanced Practice Registered Nursing Program.

A. An administrator of an educational institution that proposes to offer a CNS or RNP program shall submit an application that includes all of the following information to the Board:

1. Role, population focus that meets the criteria in R4-19-501 program administrator and lead faculty member as required in R4-19- 502(B);
2. Name, address, and evidence verifying institutional accreditation status of the affiliated educational institution and program accreditation status of current nursing programs offered by the educational institution;
3. The mission, goals, and objectives of the program consistent with generally accepted standards for advanced practice education in the role and population focus of the program;
4. List of the required courses, and a description, measurable objectives, and content outline for each required course consistent with curricular requirements in R4-19-502;
5. A proposed time schedule for implementation of the program and attaining national accreditation;
6. The total hours allotted for both didactic instruction and supervised clinical practicum in the program;
7. A program proposal that provides evidence of sufficient financial resources, clinical opportunities and available faculty and preceptors for the proposed enrollment and planned expansion;
8. A self-study that provides evidence of compliance with R4-19-502;

B. An entity that wishes to offer a CRNA program shall submit evidence of current accreditation by the Council on Accreditation of Nurse Anesthesia Education Programs or an equivalent organization.

C. The Board shall approve an advanced practice registered nursing program if approval is in the best interest of the public and the program meets the requirements of this Article. The Board may grant approval for a period of two years or less to an advanced practice nursing program where the program meets all the requirements of this Article except for accreditation by a national nursing accrediting agency, based on the program's presentation of evidence that it has applied for accreditation and meets accreditation standards.

D. An educational institution or entity that is denied approval of an advanced practice registered nursing program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying its application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

E. Approval of an advanced practice registered nursing program expires 12 months from the date of approval if a class of students is not admitted within that time.

R4-19-504 Notice of Deficiency; Unprofessional Program Conduct

(D). A disciplinary action, denial of approval, or notice of deficiency may be issued against an RNP or CNS nursing program for any of the following acts of unprofessional conduct:

8. Failure to comply with Board requirements within designated time-frame.

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 Applicant's program approval to conduct an advanced practice nursing program in the State of Arizona.

However, in lieu of a hearing, Applicant agrees to issuance of the following Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter. Applicant further waives any and all claims or causes of action, whether known or unknown, that

Applicant may have against the State of Arizona, the Board, its members, officers, employees and/or agents arising out of this matter.

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

Applicant 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.

Applicant understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

Applicant understands that this Consent Agreement is effective upon its acceptance by the Board or its designee and by Applicant as evidenced by the respective signatures thereto. Applicant's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Applicant, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Applicant and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by Applicant and accepted by the Board or its designee.

Shanna Akers

Signature or Approved Applicant Representative
Shanna W. Akers, Liberty University

Shanna W. Akers, Dean, LU School of Nursing

Print the signer's name AND title



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: 5/7/2021

JR/DH:ll

ORDER

In view of the above the Findings of Fact, Conclusions of Law, and the consent of Applicant, the Board hereby issues the following Order:

A. Applicant's consent to the terms and conditions of this Order and waiver of hearing is accepted.

B. It is ordered that, upon meeting all approval requirements, acceptance by the Board of this agreement, and full and complete payment for the Civil Penalty received by the Board (see section C, below), the approval of Liberty Family Nurse Practitioner BSN-DNP, Psych Mental Health Nurse Practitioner Post-Masters, Certificate, Psych Mental Health Nurse Practitioner Post MS-DNP and Psych Mental Health Nurse, Practitioner Post-BSN DNP programs shall be granted, and a DECREE OF CENSURE be entered against Applicant's program approval.

C. If not signed within 30 days and civil penalty paid within 60 days, deny approval.

D. Applicant shall be assessed a Civil Penalty in the amount of \$4,000.00.

1) Applicant shall pay the Civil Penalty, in full, no later than 6/28/2021 **via the Board's Online Payment System**¹.

2) If Applicant fails to timely pay the Civil Penalty, in the manner stated in paragraph C. (1), above, Applicant's nursing program application shall be DENIED, and the Applicant may not reapply for approval for a period of two (2) years.

¹ The Board's online payment system is available at <https://azbngateway.az.gov/>

Applicant waives any and all rights to a hearing, rehearing or judicial review of any suspension or revocation imposed pursuant to this paragraph.

D. While this Order is in effect and/or Applicant's approval is subject to discipline, up to and including denial, Applicant is not eligible to renew any other expired approval previously held by Applicant without prior review and approval by the Board.

Board Date: March 31, 2021



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: 5/7/2021

Acceptance Date: 5/7/2021

JR/DH:ll

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Transmitted this 28th, day of April, 2021 via Adobe Sign to:


Shanna W. Akers, Liberty University: sakers@liberty.edu

By: Lyn Ledbetter
Administrative Assistant

Fully Executed copy sent this 21 day of May, 2021 via Adobe Sign to:

Shanna W. Akers, Liberty University: sakers@liberty.edu

Signed in the Board Office on 05/21/2021.

By: 
Lyn Ledbetter (May 21, 2021 13:15 PDT)
Administrative Assistant