

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
AN ADVANCED PRACTICE NURSING
PROGRAM (FAMILY NURSE
PRACTITIONER, ADULT GERO NURSE
PRACTITIONER (ACUTE CARE AND
PRIMARY CARE), NEONATAL NURSE
PRACTITIONER, PEDIATRIC NURSE
PRACTITIONER (ACUTE CARE AND
PRIMARY CARE, WOMEN’S HEALTH
NURSE PRACTITIONER & PSYCHIATRIC
MENTAL HEALTH NURSE PRACTITIONER
TRACKS)

DUKE UNIVERSITY SCHOOL OF
NURSING, 3322 DUMC, DURHAM, NC
27710

APPLICANT

**DECREE OF CENSURE WITH
CIVIL PENALTY**

**CONSENT AGREEMENT
AND
ORDER NO. 211001APDL0054**

Duke University School of Nursing (“Applicant”) reported to The Arizona State Board of Nursing (“Board”) that it 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. Prior to Board approval, beginning in August 2008, Applicant, with a home state of North Carolina, offered a Advanced Practice distance education program in Arizona for students without Arizona Board approval, or under any exemption, which is a violation of R4-19-503. Respondent admitted 14 Arizona students in its

APRN programs, with Arizona-based clinical experiences and with some faculty not properly credentialed to practice in Arizona.

2. Respondent submitted an application for full APRN Distance Program approval of its programs on 12/1/2021 to include the following tracks: Family Nurse Practitioner, Adult Gero Nurse Practitioner (Acute Care and Primary Care), Neonatal Nurse Practitioner, Pediatric Nurse Practitioner (Acute Care and Primary Care), Women's Health Nurse Practitioner and Psychiatric Mental Health Nurse Practitioner.

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 rules R4-19-502 and 503, and 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. § 32-1663(A) to deny, or issue a conditional approval of 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 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 the Findings of Fact, Conclusions of Law and Order are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter. Applicant further understands that disciplinary actions are generally available to the public pursuant to public records requests; are posted on or available through the Board's website; and are reported to and are posted by national databases, which may be accessed online and whose retention and posting times are independently determined by the applicable national organization; and any of these policies or applicable laws may change over time.

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.

Applicant acknowledges and agrees that the acceptance of this Consent Agreement is solely to settle this Board matter and does not preclude the Board from instituting other proceedings as may be appropriate now or in the future.

Furthermore, and notwithstanding any language in this Consent Agreement, this Consent Agreement does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Applicant, including but not limited to, violations of Arizona's Consumer Fraud Act. Applicant acknowledges that, other than with respect to the Board, this Consent Agreement makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivision of the state relating to this matter or other matters concerning Applicant.

Sally Kornbluth

Sally Kornbluth (Jan 21, 2022 17:33 EST)

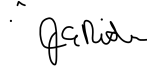
Signature of Approved Applicant Representative
Dr. Sally Kornbluth, Provost, Duke University

Sally Kornbluth, Provost

Print the signer's name AND title



ARIZONA STATE BOARD OF NURSING



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

Dated: Jan 28, 2022

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 shall be granted, and a DECREE OF CENSURE be entered against Applicant's program approval.

C. Applicant shall be assessed a Civil Penalty in the amount of \$10,000.00.

1) Applicant shall pay the Civil Penalty, in full, no later than 60 days after the effective date of this Order, which is the date the Order is executed by Applicant and accepted by the Board. Applicant shall pay the penalty **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

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

DENIED, and the Applicant may not reapply for approval for a period of two (2) years.

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: January 28, 2022



ARIZONA STATE BOARD OF NURSING

A handwritten signature in black ink, appearing to read "Joey Ridenour".

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

Dated: Jan 28, 2022

JR/DH:ll

Acceptance Date: January 28, 2022

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Transmitted this 19th day of January 2022, via Adobe Sign to:

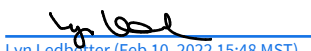
Duke University
Dr. Sally Kornbluth, Provost
email: sally.kornbluth@duke.edu

By: Lyn Ledbetter, Administrative Assistant

Fully Executed copy sent this 10th day of February, 2022, via Adobe Sign to:

Duke University
Dr. Sally Kornbluth, Provost
email: sally.kornbluth@duke.edu

Signed in the Board Office on 2/10/2022.

By: 
[Lyn Ledbetter \(Feb 10, 2022 15:48 MST\)](#)
Lyn Ledbetter, Administrative Assistant



Doug Ducey
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

1740 W. Adams Street, Suite 2000, Phoenix, AZ 85007

Phone (602) 771-7800 | www.azbn.gov

February 10, 2022

Duke University
Dr. Sally Kornbluth, Provost
email: sally.kornbluth@duke.edu

Sent Via Adobe Sign via email address: sally.kornbluth@duke.edu CC: bill.nicholson@duke.edu

Re: Consent Agreement for Decree of Censure Order Number # 211001APDL0054

Dear Dr. Sally Kornbluth:

On January 28th, 2022 the Arizona State Board of Nursing, in open meeting, reviewed the complaint submitted against the Duke University, APRN Program. After careful consideration of all facts presented, the Board voted to accept the signed Consent Agreement for Decree of Censure.

Please see the duly signed copy of the Consent Agreement for Decree of Censure. The effective date of this order is: **January 28, 2022**. As a courtesy I have outlined the following for you to be aware of:

- Within seven days of the effective date of this Order, the Board shall note the approval status of the program on the list of approved programs with the following notation: "Full - Decree of Censure." Additionally the Board shall provide public access to this order through its website.
- Per ARS§ 32-3214(B) After January 1, 2018, if a health profession regulatory board issues a final nondisciplinary order or action, the record of the final nondisciplinary order or action shall be made available on the Board's website for five years. Letters of Concern and advisory letters may not be made available on the website but a copy of such letters are available to the public pursuant to section 39-121 and shall be provided to any person on request.
- Per ARS§ 32-3214(C) If a health profession regulatory board maintains a website, the board must display on its website a statement that a person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and nondisciplinary actions and orders, by contacting the board directly.

Should you have any questions or concerns regarding this Consent Agreement please contact me at 602-771-7803 or kmalloch@azbn.gov.

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.

Sincerely,

Kathy Malloch, PhD MBA RN FAAN

Kathy Malloch, PhD, MBA, RN, FAAN
Associate Director of Education and
Evidence Based Regulation