

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF CARRINGTON COLLEGE,
ADN PROGRAM - MESA CAMPUS
NO. US96410000 ISSUED TO:

CARRINGTON COLLEGE
1001 W. SOUTHERN AVENUE, STE. 130
MESA, AZ 85210

RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 210302RN96410000**

CONSENT AGREEMENT

The Arizona State Board of Nursing (“Board”) and Carrington College (“Respondent”) seek to resolve allegations that Respondent 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. Respondent holds Board-issued program approval for an ADN program, operating in Mesa, Arizona, receiving its original approval in 2017. Respondent’s last program approval was on January 28, 2020.

2. Anonymous complaints were received on March 26, 2021 and May 4, 2021 alleging high turnover of program administrator roles, multiple instructors for the same course, lack of faculty competence and lack of responsiveness from faculty to students.

3. Between the opening of the program in 2017 and the present, October 2021, Respondent, Carrington College, Mesa failed to provide consistent leadership for the program. The program has had 5 program administrators between 2017 and 2021. The standard of educational practice, as supported by research conducted by the National Council of State Boards of Nursing (“NCSBN”) is for a program to have no more than three program administrators within five years, otherwise students may be harmed by the inconsistent leadership and faculty quality, and students

may have lower NCLEX pass rates. Respondent's five program administrators within five years, 2017-2021, falls below the standard of practice, and could have contributed to Respondent's low NCLEX scores that remain under or near the minimum requirements in rule. Students may potentially be harmed by not receiving adequate education and training, and also not being able to pass the NCLEX.

4. Respondent has failed to provide adequate instructor resources for the program, specifically for years 2020 and 2021. Instructor turnover during 2020 was 45% (9/20 faculty) and for 2021 through October 1, 2021, the turnover rate is 36% (8/22). Between 2020 and 2021, 50% of instructors had clinical experience but did not have the pedagogical knowledge, skills or experience to teach nursing students as noted in employee files. The standard of practice, as supported by NCSBN research, requires programs to ensure that they have quality faculty, which includes a stable faculty base with lower turnover, and faculty with training, skills, and knowledge in basic pedagogies, at a minimum. Respondent's lack of adequately trained faculty, combined with the turnover rates higher than 30%, falls below the standard of practice. As a result, students may be harmed by receiving inadequate education and training, and may not be able to pass the NCLEX.

5. During program years 2020 and 2021, Respondent has failed to consistently provide course content to support progressive learning in the nursing program. Based on 180 student evaluations that included all courses conducted in Fall 2020 and Spring 2021 semesters, students reported that the program is not organized; instructors are not prepared for class with lectures and don't know how to use CANVAS, the online learning management system. Instructors reported difficulty in finding clinical placements and providing adequate substitute simulation/lab experiences for all students during 2021. Also, during the site visit by Board staff on September 30, 2021, 3 students reported similar experiences; specifically that the program is not organized, instructors are not prepared for class with lectures and don't know how to use CANVAS, the online learning management system. Students reported that faculty simply read the slides to the class and tell students to look at the (text) book if they have questions.

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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 § 32-1601(26) (d) and (j), A.A.C. R4-19-201, R4-9-206 AND R4-19-211.

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.

Respondent 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 Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent 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 Respondent.

Leslie Westberg

Leslie Westberg (Nov 19, 2021 08:57 MST)

Signature of Approved Respondent Representative
Leslie Westberg, Carrington College ADN Program
Mesa Campus

Dated: Nov 19, 2021

Ravinder Dayal

Signature of Approved Respondent Representative
Ravinder Dayal, Provost

Dated: Nov 19, 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: November 19, 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 36 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 7 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. Admissions, and
- b. Attrition, and
- c. Standardized tests, and
- d. Clinical Placements, and

- e. On time graduation rates, and
 - f. Curriculum changes, and
 - g. 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, and
 - h. Nursing department meeting minutes, and
 - i. Personnel changes, and
 - j. All policy revisions, and
 - k. Timely notification of any program changes that are or may be in violation of this agreement, and
 - l. Results of confidential and anonymous student evaluations of nursing courses, instructors, and the overall program and
 - m. Status of all recommendations from external consultant
3. Outside Evaluation

Within 30 days of the effective date of this Order, Respondent shall identify and retain a Board-approved consultant to perform a comprehensive evaluation of the program, including program design and curriculum, both clinical and didactic, adequacy of education, both didactic and clinical, and identification of reasons for low NCLEX scores, and high program administrator and faculty turnover. The consultant shall provide an evaluation report including detailed recommendations for remediation, and timeframes for implementation (at a minimum within 24 months), to the Board within 90 days after the effective date of this Order. Respondent shall follow the recommendations of the evaluator within the timeframes provided. The Board reserves the right to amend the terms of the probation based on the consultant's report.

4. Faculty/Admin Education

Curriculum - Curriculum course for faculty focusing on development and evaluation of curriculum for all faculty. The course will be recommended by the consultant or approved by board staff.

Faculty - Respondent shall provide adequate training to all faculty to ensure faculty are able to effectively use Respondent's learning management system within 12 months of the effective date of this Order.

5. 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.

6. 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.

7. 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.

8. Costs

Respondent shall bear all costs of complying with this Order.

9. 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.

10. Voluntary Surrender of Approval

Respondent may, at any time this Order is in effect, voluntarily request surrender of their program approval.

11. Completion of Order

Respondent is 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.

12. 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.
Executive Director

Dated: November 19, 2021

JR/KM:yf

Transmitted this 18th day of November, 2021, via Adobe Sign to:

Leslie Westberg, Carrington College, ADN Program-Mesa Campus:
leslie.westberg@carrington.edu

Ravinder Dayal, Provost
rdayal@carrington.edu

By: T. Vasquez
Legal Secretary

Duly signed copy sent via email on this 3rd day of February, 2022 via email to: leslie.westberg@carrington.edu, and rdayal@carrington.edu