

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF BASHA HIGH
SCHOOL NURSING ASSISTANT
PROGRAM NO.8920

ISSUED TO:
BASHA HIGH SCHOOL
5990 S. Val Vista Drive
Chandler, AZ 85249

RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 190102NA8920**

CONSENT AGREEMENT

A complaint charging Basha High School CNA 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 Nursing Assistant Program, receiving it’s original approval in 2010. It’s last program approval was 11/26/2018.
2. Respondent’s Nursing Assistant (NA) program’s first time student pass rate on the skills certifying examination, is below the minimum requirement as required in R4-19-802(E). Specifically according to D&S Diversified Technologies, the approved test vendor, Respondent’s

annual pass rate for the skills exam in 2018 was 56%. The Arizona State average for the 2018 calendar year was 80% for the manual skills exam. Programs falling below the standard are those with less than 60% on skills.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 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 A.R.S. § 32-1601(26) (effective August 9, 2017)

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.

POTENTIAL VIOLATIONS OF RULES:

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

E. Certifying Exam Passing Standard: A training program and each site of a consolidated program under R4-19-801(E) shall attain, at a minimum, an annual first-time passing rate on the manual skill and written certifying examinations that is equal to the Arizona average pass rate for all candidates on each examination minus 20 percentage points. The Board may waive this requirement for programs with less than five students taking the exam during the year. The Board shall issue a notice of deficiency under A.A.C. R4-19-805 to any program with five or more students taking the exam that fails to achieve the minimum passing standard in any calendar year.

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, offices, 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.


Authorized Respondent Representative:



Ken James, Exec. Director of Educational Programs

Dated: 5-7-19

ARIZONA STATE BOARD OF NURSING



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

Dated: 5/7/2019

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, during which the program must have enrolled students and conduct regular program operations, including didactic and clinical sessions, 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. Graduation information, and
- b. Personnel changes, and
- c. Curriculum changes and
- d. Admissions and attrition, and
- e. Any written or verbal complaints or concerns, formal or informal, including comments on evaluations, regarding the nursing program, including advertising/recruiting, made by students, prospective students, or members of

the public, brought to the attention of faculty and/or the program coordinator, and their resolution, and

f. D&S Diversified (Headmaster) pass rates

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 their program approval.

9. Completion of Order

Respondent is eligible for early termination of this Order after a minimum 18 months of compliance. Upon successful completion of the terms of probation, with a minimum of 18 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.

SEAL

ARIZONA STATE BOARD OF NURSING



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

Dated: 5/7/2019

JR/cg:

Sent via secure email this 17th day of April, 2019 to:

Basha High School
Ken James, Executive Director of Educational Programs
james.ken@cusd80.com

By: Lyn Ledbetter
Administrative Assistant

Duly signed copy sent via email this 11th day of June, 2019 to:
Basha High School
Ken James, Executive Director of Educational Programs
email: james.ken@cusd80.com

By: Lyn Ledbetter, Administrative Assistant