

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF
PRACTICAL NURSING PROGRAM NO.
PN 96105500
ISSUED TO:
MOHAVE COMMUNITY COLLEGE
1801 DETROIT AVENUE
KINGMAN, ARIZONA 86401

(RESPONDENT)

CONSENT AGREEMENT

AND

ORDER NO. 170402PN96105500

CONSENT AGREEMENT

A complaint charging Mohave Community College Practical Nursing Program, located in Kingman, Arizona (“Respondent”) with violations 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 Mohave Community College Practice Nursing Program located in Kingman, Arizona (Respondent). The Board issued full program approval in 9/2012.
2. Respondent’s Employee Performance Evaluations policy and procedure required annual evaluations of resident faculty. In or around 2015, Respondent failed to evaluate a faculty member annually, thereby violating its own policy.

3. Respondent's curriculum for the 2016-2017 school year included excessive objectives making it nearly impossible for students to achieve outcomes and providing course content that did not build on previous course content. Students stated they were not able to meet all course objectives in their classes. The classes and objectives did not increase in knowledge content with each class to allow for the learning process to be on a continuum of knowledge building from one class to the next
4. Respondent failed to develop and implement a written plan for the systematic evaluation of the total program that is based on program and student learning outcomes and that incorporates continuous improvement based on the evaluative data, as evidenced by Respondent not having a functional systematic evaluation plan on or about 3/27/2017. On 6/29/2017, Respondent submitted to the Board a systematic evaluation plan that meets rule requirements
5. Respondent's students' NCLEX – PN first time pass rate for calendar year 2016 was 66%, below 80% as required in R4- 19-206 (G). In addition to the 2016 NCLEX-PN pass rates not meeting minimum requirements, this is an indicator that Respondent failed to resolve its prior pass rate deficiencies from the Notice of Deficiencies issued by the Board on 6/2/2016 for Respondent's 2015 calendar year NCLEX-PN pass rates of 71.43%.
6. In or around 3/27/2017, the Board discovered that Respondent had failed to follow its own policy regarding substance use screens for faculty members. Per Respondent's Student and Patient safety policy in the 2016-2017 faculty handbook, faculty should have a complete drug and alcohol screening upon hire. Consistent standards for patient safety are required for all individuals involved in patient care specific to aseptic technique, immunizations and drug testing/ screening. No current faculty had any drug or alcohol screening in their current faculty files. Respondent failed to have all faculty provide a drug screen

upon hire to meet the requirements of the policy. Respondent asserts that faculty have provided their urine drug screens as of 4/13/2017.

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 § 32-1601(22/24)

(d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public,

and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter.”

R4-19-203-(C) (5) (a)

C. The administrator shall have the authority to direct the program in all its phases, including:

5. In addition to any other evaluation used by the parent institution, ensuring that nursing program faculty members are evaluated at a minimum:

a. Annually in the first year of employment and every three years thereafter.

R4-19-206(B) (2) (C) (2) (3) (D) (1)

B. A nursing program shall provide a written program curriculum to students that includes:

2. A curriculum plan that identifies the prescribed course sequencing and time required

C. A nursing program administrator and faculty members shall ensure that the curriculum:

2. Is designed so that the student is able to achieve program objectives within the curriculum plan

3. Is logically consistent between and within courses and structured in a manner whereby each course builds upon previous learning

D. A nursing program shall provide for progressive sequencing of classroom and clinical instruction sufficient to meet the goals of the program and be organized in such a manner to allow the student to form necessary links of theoretical knowledge, clinical reasoning and practice.

R4-19-201(I) (1-10)

I. A nursing program shall develop and implement a written plan for the systematic evaluation of the total program that is based on program and student learning outcomes and that incorporates continuous improvement based on the evaluative data. The plan shall include measurable outcome criteria,

logical methodology, and frequency of evaluation, assignment of responsibility, actual outcomes and actions taken. The following areas shall be evaluated:

1. Internal structure of the program, its relationship to the parent institution, and compatibility of program policies and procedures with those of the parent institution;
2. Mission and goals;
3. Curriculum;
4. Education facilities, resources, and student support services;
5. Clinical resources;
6. Student achievement of program educational outcomes;
7. Graduation and attrition for each admission cohort including at a minimum:
 - a. Number and percent of students who left the program;
 - b. Number and percent of students who are out of sequence in the program; and
 - c. Number and percent of students who graduated within 100%, 150% or greater than 150% of time allotted in the curriculum plan
8. Graduate performance on the licensing examination;
9. Faculty performance; and
10. Protection of patient safety including but not limited to:
 - Student and faculty policies regarding supervision of students, practicing within scope and student safe practice;
 - The integration of safety concepts within the curriculum;
 - The application of safety concepts in the clinical setting; and
 - Policies made under R4-19-203(C) (6).

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. The Board shall issue a notice of deficiency to any program that has a NCLEX® passing rate less than 80% for two consecutive calendar years or less than 75% for one calendar year.

R4-19-203(C) (6) (a-e)

C. The administrator shall have the authority to direct the program in all its phases, including: 6. Together with faculty develop, enforce and evaluate equivalent student and faculty policies necessary for safe patient care and to meet clinical agency requirements regarding; a. physical and mental health, b. criminal background checks, c. substance use screens, d. functional abilities and e. supervision of clinical activities.

R4-19-211 Unprofessional Conduct in a Nursing Program

A disciplinary action, denial of approval, or notice of deficiency may be issued against a nursing or refresher program for any of the following acts of unprofessional conduct in a nursing program:

1. Failure to maintain minimum standards of acceptable and prevailing educational or nursing practice;
2. Deficiencies in compliance with the provisions of this Article;
4. Non-compliance with the program's or parent institution's mission or goals, program design, objectives, or policies
12. Any other evidence that gives the Board reasonable cause to believe the program's conduct may be a threat to the safety and well-being of students, faculty, patients or potential patients.

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.

June Weiss, M.S.N., R.N.

Respondent

Dated: 9/12/2017

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: 9/15/2017

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 license.

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. Curriculum changes
- b. Standardized tests
- c. Admissions to the program

- d. Nursing Department meeting minutes
 - e. Graduation
 - f. NCLEX test results
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 its program approval.

ARIZONA STATE BOARD OF NURSING

SEAL



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

Dated: 9/15/2017

JR/ll:

COPY mailed this 27th day of September, 2017 by U.S. Certified Mail 7015 0640 0007 1010 9102 to:

June Weiss
Mohave Community College
1801 Detroit Avenue
Kingman, Arizona 86401

Also sent via email: June Weiss <jweiss@mohave.edu>

Signed in the Board Office this 27th day of September, 2017.

By: Lyn Ledbetter
Administrative Assistant