

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
APRN NURSING PROGRAM

UNIVERSITY OF ALABAMA -
BIRMINGHAM,
APPLICANT

DECREE OF CENSURE WITH
CIVIL PENALTY
CONSENT AGREEMENT
AND ORDER NO.
181201APRNUNIVAL

The Arizona State Board of Nursing (“Board”) received allegations that **University of Alabama - Birmingham** (“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. On or around November 14, 2018, Board staff was contacted by a representative from the University of Alabama - Birmingham Nursing Program (“Applicant”) regarding Board approval of the program. Board staff confirmed that the program was not approved by the AZBN as an application was not submitted for consideration, nor did the program qualify for any exemption because the program’s home state’s Board of Nursing does not approve APRN program and the program operated continuously in Arizona for more than six months. Continuously since 2008, Applicant (home state AL) has been offering an APRN distance program in Arizona for Adult-Gerontology Acute Care, Adult-Gerontology Primary Care, Dual

Pediatric Acute Care/Primary Care, Family Practice, Neonatal, Pediatric Acute Care, Pediatric Primary Care, Women's Health and Psychiatric Mental Health nurse practitioner specialty tracks without Arizona Board approval, or under any exemption. The program has admitted 16 students to date. Applicant states this was based on misinterpretation of the AZ Nurse Practice Act. However, the program was never listed on the Board's website as an approved program.

2. As of November, 2018 application, Lead and clinical faculty were teaching without AZ licensure as the applicant did not require faculty to hold an unencumbered AZ RN license and APRN certificate issued by the Board, in violation of A.A.C. R4-19-502(B)(2) and (3)(a) and (b).

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 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 patient or the public.

(j) Violating a rule that is adopted by the Board pursuant to this chapter. (effective August 9, 2017), and A.A.C. R4-19-502 Requirements for APRN Programs

B. A CNS or RNP program shall appoint the following personnel:

2. A lead faculty member who is educated and certified both nationally and by the Board in the same role and population focus to coordinate the educational component for the role and population focus in the advanced practice registered nursing program.

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; and

(b) A current unencumbered Arizona APRN certificate

A.A.C. R4-19-503. Application for Approval of an Advanced Practice Registered Nursing Program; Approval by Board:

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;
- 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.

A.A.C. 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, offices, 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.

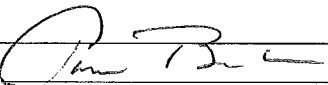
Applicant understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

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.


RECEIVED A.S.B.N.
19 MAR - 1 PM 12:40

THE BOARD OF TRUSTEES OF THE
UNIVERSITY OF ALABAMA FOR
THE UNIVERSITY OF ALABAMA
AT BIRMINGHAM

By: 
Title: Senior Vice President / Provost
Authorized Representative for Applicant

Dated: 2/26/19

ARIZONA STATE BOARD OF NURSING


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

SEAL

Acceptance Date: 3/1/2019

B. It is ordered that a DECREE OF CENSURE be entered against program approval no. APDL-0023, held by Applicant.

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 April 30, 2019 **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 approval shall be **AUTOMATICALLY SUSPENDED**. The suspension of the APRN nursing approval shall continue until one of the following events occurs:

a) the civil penalty is paid in full;

OR

b) one calendar year from the due date stated in paragraph C.(1) has expired. If Applicant fails to pay the Civil Penalty, in full, within one year from the due date stated in paragraph C.(1), Applicant's APRN nursing approval shall be **AUTOMATICALLY REVOKED**, and Applicant may not apply for reissuance for a minimum period of two 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 revocation or voluntary surrender, Applicant is not

¹ The Board's online payment system is available at www.azbn.gov, select the Online Payment System.

eligible to renew any other expired approval previously held by Applicant without prior review and approval by the Board.

Board Date: 1/25/2019

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

SEAL

Acceptance Date: 3/1/2019

JR/AS:ll

COPY mailed this 21st day of February, 2019 via secure email to:

University of Alabama - Birmingham

Ashley Hodges, PhD, WHNP-BC

ashleyhodges@uab.edu

By: Lyn Ledbetter

Administrative Assistant

FINAL duly signed COPY mailed this 1st day of April, 2019 via USPS Certified mail and email to:

University of Alabama - Birmingham

Ashley Hodges, PhD, WHNP-BC

ashleyhodges@uab.edu

1720 2nd Ave South

Birmingham, AL 35294