

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
APRN
NURSING PROGRAM FOR:

**UNIVERSITY OF COLORADO -
COLORADO SPRINGS,
APPLICANT**

**DECREE OF CENSURE WITH
CIVIL PENALTY
CONSENT AGREEMENT
AND ORDER NO.
181101APRNUNIVCOL**

The Arizona State Board of Nursing (“Board”) received allegations that the **University of Colorado - Colorado Springs**, (“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 October 9, 2018, Board staff was contacted by a representative from the University of Colorado - Colorado Springs 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 programs, and the program operated continuously in Arizona for more than six months. Continuously since 2001, Applicant (home state CO) has been offering an APRN distance program in Arizona for Family Practice and Adult Gerontology Primary Care nurse practitioner

specialty tracks and Psychiatric Mental Health nurse practitioner speciality track since 2017 without Arizona Board approval, or under any exemption. The program has admitted 21 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, Applicant's APRN Program Administrator and Lead/Clinical Faculty were not required by Applicant's program policy to hold an unencumbered APRN certificate issued by the Board, which is in violation of R4-19-502(B)(1)(a) and R4-19-502(B)(3)(a) respectively. (This policy has since been revised to be compliant with Arizona requirements.)

3. On January 25, 2019, the Board considered the matter and voted to: "Based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all approval requirements and signing a Consent Agreement for a Decree of Censure and a \$1,000 Civil Penalty, grant approval. If not signed within 15 days, deny approval."

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 a 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:

1. An APRN program administrator who:

a. Holds a current unencumbered RN license or multi-state privilege to practice in Arizona and a current unencumbered APRN certificate issued by the Board;

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;

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 registered nursing program in the State of Arizona.

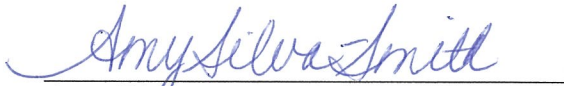
However, in lieu of a hearing, Applicant agrees to issuance of the following Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter. Applicant further waives any and all claims or causes of action, whether known or unknown, that Applicant may have against 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.



Amy Silva-Smith
University of Colorado - Colorado Springs
Authorized Representative for Applicant

Dated: 2/26/2019

ARIZONA STATE BOARD OF NURSING



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

SEAL

Acceptance Date: 3/4/2019

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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 a DECREE OF CENSURE be entered against program approval no. APDL-0019, held by Applicant.

C. Applicant shall be assessed a Civil Penalty in the amount of \$1,000.00.

1) Applicant shall pay the Civil Penalty, in full, no later than 60 days from the effective date of this Order, or April 30, 2019, **via the Board's Online Payment System¹**.

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

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

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 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: 3/4/2019

JR/AS:ll

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COPY mailed this 19th day of February, 2019 via certified mail and secure email to:

University of Colorado - Colorado Springs
Deborah Pollard, PhD, RNC-OB, C-EFM, CNE, IBCLC, RLC
University of Colorado - Colorado Springs
University Hall 137
1420 Austin Bluff Parkway
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Sent Via Email: dpollard@uccs.edu
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By: Lyn Ledbetter
Administrative Assistant

Final COPY mailed this 4th day of April, 2019 via certified mail and email to:

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