

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED
NURSE PROGRAM NO. US96401100
ISSUED TO:

**CARRINGTON COLLEGE - PHOENIX,
RESPONDENT PROGRAM**

**CONSENT AGREEMENT
AND
ORDER NO. 200205RN96401100**

CONSENT AGREEMENT

The Arizona State Board of Nursing (“Board”) received allegations that Carrington College RN Program (“Respondent Program”) 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 Program holds Board issued approval for a Registered Nurse (RN) program.
2. Respondent Program has demonstrated a three year pattern of NCLEX-RN first time pass rates below the required 80%. As documented in Respondent Program’s May 17, 2019, Board-issued consent agreement for a Decree of Censure, Respondent Program’s NCLEX pass rates for 2017 were 78.95%, and for 2018 were 78.26%. Respondent Program’s 2019 NCLEX-RN first time pass rates were 69.66%. These NCLEX-RN scores reflect a pattern of violations of A.A.C. R4-19-206(G). The standard of practice is a minimum of 80% NCLEX for first time pass rates for students. Failure to achieve a minimum of 80% NCLEX pass rates

negatively impacts the quality of the program and the ability of students to achieve nursing licensure.

3. In 2017, Respondent Program created a plan of correction and submitted it to the Board to address self-identified areas of needed improvement to reach minimum standards of educational practice. Due to faculty and program leadership change, Respondent Program admitted to Board staff in February, 2020, that the initial implementation of this plan was not sustained.

In a letter dated February 20, 2020, Respondent Program submitted a second plan of correction to the Board that acknowledged program deficiencies, which Board staff asserts are violations of the standards of practice and rules, related to:

- A. Testing Integrity: Respondent Program identified that during the past year, students were using electronic devices to share information during testing.
- B. Faculty Support: Respondent Program acknowledged that its faculty required additional training, resources, and more frequent, regular faculty meetings.
- C. Student Support: Respondent Program identified the need for additional didactic and clinical full-time faculty, resources, interventions for at risk students, and overall academic support, including improvements to program curriculum, sequencing, and coordination between didactic and clinical learning.
- D. Curriculum: Respondent Program acknowledged the need to improve its curriculum development, coordination between courses and clinicals, and course alignment.

The standard of practice for nursing programs is to provide safe and secure testing, adequate resources and support for faculty and students, and a curriculum that supports student learning and achievement of program goals. The standard of practice for nursing

programs is to quickly correct program deficiencies and sustain positive changes. Failure to make the required changes to the program places students at risk for completion of the program and passing the NCLEX-RN.

Respondent Program has not met these minimum standards of educational practice by failing to fully implement and/or maintain improvements that were self-identified in the 2017 plan of correction, and as described, above. Respondent Program acknowledges the need for the improvements listed in the 2020 plan of correction, which reflect violations of the standards of practice and failures to follow Respondent Program's own policies and procedures. Respondent Program has asserted its commitment to implementing the plan at this time.

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 and

(j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter (effective August 9, 2017), and currently cited as

A.A.C. R4-19-206 (G) A nursing program shall maintain at least a 80% NCLEX® passing rate for graduates taking the NCLEX-PN® or NCLEX-RN® for the first time within 12 months of graduation. (effective July 1, 2016), and currently cited as A.A.C. R4-19-211 Unprofessional Conduct in a Nursing Program (A)

R4-19-206(G).

A nursing program shall maintain at least a 80% NCLEX® passing rate for graduates taking the NCLEX-PN® or NCLEX-RN® for the first time within 12 months of graduation.

R4-19-211. Unprofessional Conduct in a Nursing Program

1. A pattern of failure to maintain minimum standards of acceptable and prevailing educational or nursing practice, or any such failure related to student or patient health, welfare, or safety;
2. A pattern of deficiencies in compliance with the provisions of this Article, or any such deficiency related to student or patient health, welfare, or safety;
3. A pattern of non-compliance with the program's or parent institution's mission or goals, program design, objectives, or policies, or any such deficiency related to student or patient health, welfare, or safety;

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 Respondent Program's approval in the State of Arizona.

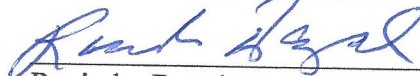
In lieu of a hearing on these issues, Respondent Program admits the Board's Findings of Fact and Conclusions of Law and agrees to issuance of the following Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter. Respondent Program further waives any and all claims or causes of action, whether known or unknown, that Respondent Program may have against the State of Arizona, the Board, its members, officers, employees and/or agents arising out of this matter.

Respondent Program 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 Program 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 Program understands that this Consent Agreement is effective upon its acceptance by the Board or its designee and by Respondent Program as evidenced by the respective signatures thereto. Respondent Program's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent Program, the Consent Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent Program and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by Respondent Program and accepted by the Board or its designee.

Board Date: March 27, 2020



Ravinder Dayal
Carrington College – Phoenix,
Respondent Program

Dated: 3/25/2020

SEAL



Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director
ARIZONA STATE BOARD OF NURSING

Acceptance Date: 3/27/2020

MALLOCH/CARRINGTON COLLEGE/RN PROGRAM

ORDER

In view of the above the Findings of Fact, Conclusions of Law, and the consent of Respondent Program, the Board hereby issues the following Order:

A. Respondent Program's consent to the terms and conditions of the Order and waiver of hearing is accepted.

B. Respondent Program's approval is placed on probation for at minimum, 36-months, with terms and conditions.

C. This Order becomes effective upon the Board and Respondent Program'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 Program. If the Consent Agreement is signed on different dates, the latter is the effective date. Program begins on the effective date of this Order.

D. If the Respondent Program is noncompliant with any of the terms of the Order, Respondent Program's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent Program's nursing program approval.

E. At any time Respondent is required by terms of the Order to provide a copy of the Order to another individual or facility Respondent shall provide all pages of the Consent Agreement and Order, and to include the attachments/exhibits, if any.

F. 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 Respondent 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. Monthly/Quarterly Reports

Within 7 days of the effective date of this Order, and monthly for the first 12-months, Respondent Program shall provide the Board with accurate and complete monthly reports. After the initial 12-months of the effective date of this Order, and within 7 days of each assigned quarterly reporting due date, Respondent Program shall provide the Board with accurate and complete quarterly reports. Both monthly and quarterly reports shall contain the following information:

- a) Admissions,
- b) Attrition,
- c) Standardized test results
- d) Curriculum changes,
- e) 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,
- f) Graduation
- g) Nursing department meeting minutes,
- h) Personnel changes,
- i) Report from external board approved consultant

3. Program Evaluation & Reports

Respondent Program shall submit to the Board the name and CV of an evaluator/consultant ("Consultant") within 90 days of the effective date of this Order to complete an outside evaluation of its program. The Consultant must be approved by the Board. Respondent Program shall cause the Consultant to evaluate the program overall, including, but

not limited to, curriculum, testing practices, including clinical components, and provide evaluation and recommendations to the Board within 12 months of the effective date of this Order. Respondent Program shall provide the Consultant with access to the program, including students, faculty, administrators, staff, records, classrooms and clinical sites, and other areas or records deemed necessary by the Consultant. After the evaluation is completed, Respondent Program shall implement and follow the recommendations of the Consultant, and the Consultant shall monitor Respondent Program's progress in implementing and following the recommendations. The Consultant shall provide monthly progress reports to the Board for the remainder of the period of probation that summarize the Consultant's findings regarding implementation of recommendations, and any other relevant findings or observations. The Board reserves the right to amend the terms of the probation based on the Consultant's report/recommendations.

4. Student Evaluations

Respondent Program shall provide to the Board student confidential and anonymous evaluations of each nursing course, instructors, and the program as a whole at the end of each semester, for a minimum of 3 semesters.

5. Program Site Visit Requirement

The Board staff will be participating in a full site visit after the first 12-months of the effective of this Order.

6. Release of Information Forms

Respondent Program shall cause an authorized program representative to 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.

7. Interview With the Board or Its Designee

Respondent Program shall a program representative to appear in person, for interviews with the Board or its designee upon request, at various intervals, and with reasonable notice.

8. Renewal of Approval

In the event Respondent Program's nursing program approval is or is scheduled to expire while this Order is in effect, Respondent Program shall apply for renewal of the approval and otherwise maintain an active approval for a nursing program.

9. Obey All Laws

Respondent Program shall obey all laws/rules governing nursing education in this state and obey all federal, state and local criminal laws. Respondent Program shall report to the Board, within 10 days, any violation or potential violation of the Nurse Practice Act, Board of Nursing Rules or any deferral, state or criminal laws.

10. Costs

Respondent Program shall bear all costs of complying with this Order.

11. Violation of Probation

If Respondent Program is noncompliant with this Order in any respect, the Board or its designee may notify Respondent Program'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 Program notice and the opportunity to be heard. If a complaint or petition to revoke

probation is filed against Respondent Program 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.

12. Voluntary Surrender of License

Respondent Program may, at any time this Order is in effect, voluntarily request to surrender Respondent Program approval.

13. Completion of Probation

Respondent's Program is eligible for early termination after 24-months of probation, upon meeting all terms and conditions of probation, and at the Board's discretion. Prior to termination of probation, Respondent Program shall request formal review by the Board, and after formal review by the Board, Respondent Program approval may be fully restored by the Board if compliance with this Order has been demonstrated.

Board Date: March 27, 2020

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director
ARIZONA STATE BOARD OF NURSING

Acceptance Date: 3/27/2020

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COPY mailed this 25th day of March, 2020 by email, to:

Carrington College - Phoenix

Ravinder Dayal <rdayal@carrington.edu>, Jonathan Sherman <jsherman@carrington.edu>

By: Lyn Ledbetter
Administrative Assistant

Duly signed COPY mailed this 30th day of March, 2020 by email, to:

Carrington College - Phoenix

Ravinder Dayal <rdayal@carrington.edu>, Jonathan Sherman <jsherman@carrington.edu>

By: Lyn Ledbetter
Administrative Assistant